

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, May 20, 2015 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council-Members: Richard Hirschi, Ray Justice, Ken Hooten, Randy Reeve, and Chantelle Browning; Staff: Kyle Gubler, Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: John Valenti and Judy Abraham.

A. Called to Order – Invocation and the Pledge of Allegiance was given by Richard Hirschi at 6:00pm.

The Mayor requested the order of the agenda be moved to item B and C then item F1 and F2 and then back to D to continue in the order listed. He will be leaving the meeting early and Mayor Pro Tem Richard Hirschi will finish conducting.

Motion was made by Councilman Ken Hooten to make the requested changes to the agenda, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Justice-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.

B. Recognition:

1. Rich Murset was given a certificate of appreciation and a Davis Farmers Market gift card for being in charge of the first Founders Day celebration. Mayor Gubler stated he felt the day went well and Mr. Murset did a great job.
2. Davis Farmers Market will be recognized at the next City Council meeting.

C. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes: May 6, 2015 regular meeting minutes
4. Review Invoices and Checks: \$101,551.89

Motion was made by Councilman Ken Hooten to approve the consent agenda as amended including the May 6, 2015 regular meeting minutes and the checks and invoices in the amount of \$101,551.89 second by Councilman Ray Justice. Roll Call Vote: Reeve-yes, Hooten-yes, Justice-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

F. Business:

1. Reconsideration of the issue of surplus of one of the City's backhoes, consideration of possible surplus of Impala police vehicle, and possible setting of public hearing to surplus the Impala and a different backhoe if deemed appropriate.

Mayor Gubler explained the surplus of the newer backhoe has already been approved but there has been some discussion to instead surplus the older backhoe and keep the newer one as the "back up" backhoe.

Councilman Reeve stated he is the one who brought this issue up. The CAT is the newer backhoe and can do more and perform better than the older one. He understands there is some maintenance needed on the CAT but that is normal for large equipment. The older backhoe is 2-wheel drive, doesn't have the

extension on it and can't do as much. If the leased backhoe hits the maximum hours that would leave us with equipment that can't do much.

Councilman Hirschi agreed with Councilman Reeve.

Councilman Hooten asked to hear Derek's opinion.

Derek mentioned he has always been in favor of keeping the CAT because it is 4-wheel drive, which is often needed. It is actually more powerful than the CASE that is being leased. However, keeping the CAT means we get less money back.

Mayor Gubler said he was fine with the Councilmembers decision but the original idea was the newly leased backhoe would do 95% of the work and the old backhoe would be the backup and shouldn't be used much. Staff all feels the newer backhoe should be the one we keep but he feels keeping the older one makes more sense financially. We can sell the new one for \$25,000 and the old one for \$8,000. If the decision is made to keep the newer backhoe, we will need to declare the old backhoe surplus before we could sell it.

Derek mentioned two backhoes are being used at the same time quite often. The new backhoe runs fine but the hydraulics could use some work. However, it's not a health and safety issue.

Kyle explained the Impala is an old police vehicle that is no longer needed. The animal control vehicle will be available to surplus soon and he would like to add to the public hearing as well.

Motion was made by Councilman Ken Hooten to remove the 2000 Caterpillar backhoe from the surplus list and surplus the 1993 CASE backhoe, second by Councilman Randy Reeve. Roll Call Vote: Browning- yes, Hirschi-yes, Justice-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.

Councilman Reeve asked why the Impala and S10 are being surplused.

Chief Lee will strip out both vehicles and then sell them. They both need repair work and the department uses the Tahoe as the reserve vehicle so the Impala is no longer needed.

Mayor Gubler explained after Derek gets his new truck, his department will have an extra truck and that will go to animal control.

Motion was made by Councilman Ray Justice to set a public hearing to surplus the Chevy Impala and the Chevy S10 police vehicles along with the backhoe, second by Councilman Richard Hirschi. Roll Call Vote: Reeve-yes, Hooten-yes, Justice-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

2. Discussion on the 2015-2016 FY Tentative Budget.

Kyle reported the budget is the same with the exception of the Appropriation of Fund Balance, that has been changed to \$70,000 and directly correlates with Line 4410.745- Street Improvements, which has been increased to \$70,000.

Kyle was able to make some adjustments with the bond payments.

Line 4210.250 was tight so that was increased by \$3,300.

Line 4540.610 increased by \$5,000 for Founders Day.

Nothing else has changed.

Kyle reminded the Councilmembers the State Street project payment of \$12,000 is due in July. He will propose it come out of the current year's budget during the budget amendment. That will leave the entire \$70,000 proposed in this budget available for street improvements.

Councilman Reeve asked what the annual depreciation was on the over 10 million dollars of streets in La Verkin.

Derek did not know the answer to that but stated with the HA5 product the City is using to maintain the roads, we should be getting 5-7 year extension on them, every seven years we want to be back at the starting point re-doing them. Some roads are beyond using the HA5 product, next year his plan is to propose a different system for those roads, doing that will put us a several years behind with the HA5 application. The money needs to be spent on those roads before they go into complete failure. Derek explained where that next road project will be and what they will be doing and mentioned he is trying to save what he can.

Councilwoman Browning stated this is why she requested the \$100,000 be placed into Street Improvements. She knew the maintenance schedule was falling behind and that it is a preservation only project. Something needs to be done; we can't afford to keep getting further behind.

Councilman Hooten stated he feels we should stay with what the director has asked for.

Councilman Reeve agreed with Chantelle. He does not want to see anymore come from the Appropriation of Fund Balance but feels the budget should be cut to put more into Street Improvements.

There was a discussion on holding work sessions for the budget either before or during a Council meeting, what requires a motion, if multiple budgets could be presented and voted on, and when the budget needs to be finalized.

Councilman Reeve would like to increase the Street Improvements to \$100,000.

Council members Hooten and Hirschi agree with \$70,000.

Councilman Justice would like it to be a minimum of \$70,000. If more money becomes available throughout the upcoming year, he would like it to go to Street Improvements.

Councilwoman Browning would like \$100,000 but is willing to compromise with \$75,000. She feels the money should go to the roads first and then if more money comes available that can go to other areas.

Mayor Gubler instructed Kyle to increase Street Improvements to \$75,000 and to take that additional \$5,000 from other lines, not the Appropriation of Fund Balance.

Mayor Gubler left at 6:45pm

D. Committee Reports:

1. Planning Commission-Councilman Hirschi reported they discussed a possible transition zone.
2. Community Garden-There has been people working off their service hours in the garden.
3. Water Board- Has not met.
4. Sewer Board-Blair was not present to report.
5. Fire District-Councilman Hooten reported budgets for the next three years were discussed. An employee grant ends in 2018 and is a substantial amount of money, so they need to decide what is going to happen with the level of service when that money is no longer available.

E. Citizen Comment & Request for Future Agenda Items:

Judith Abraham-Perhaps the \$5,000 listed under Community Development in the tentative budget could be removed and placed into roads. She sees a lot of places in the budget that have been extended that could have been placed in the roads.

F. Business:

3. Discussion and possible action on the Washington County Economic Development Council Executive Committee letter.

Kyle explained Sight Select is the Community Development Council of Washington County. Their job is to draw businesses to Southern Utah. While St. George does benefit more directly from their services, the people working at those businesses affect La Verkin indirectly.

The annual fee has increased this year. That fee is based on the population of each community and all of the other cities in the County participate.

Kyle has been contacted by a business in Central Utah who wants to re-locate to Southern Utah and he will be contacting Scott Hirschi from Sight Select to help with that.

Mr. Hirschi has been told we don't feel we are getting enough emphasis placed on us.

They did play a large part in getting LV Swiss into La Verkin.

Kyle feels removing ourselves from this Council would be taking a step backward because the tax base is based on businesses and that is what supports the budget.

Councilman Hooten feels that La Verkin is not getting their money's worth from the Council and suggested writing a letter to them stating that.

Motion was made by Councilman Ken Hooten to approve the amount of \$3,429.00 to Site Select Plus for the 2015-2016 FY membership, second by Councilman Ray Justice. Roll Call Vote: Reeve-yes, Hooten-yes, Justice-yes, Browning-no. Motion passes.

4. Presentation by City Attorney, and possible discussion by and direction from the City Council regarding the proposed Vacation Rentals and Bed-and-Breakfast Zoning and Operations & Maintenance ordinances.

Kevin gave the Councilmembers a handout and pointed out typos in the ordinances that he has corrected and also a change with the Bed and Breakfasts being listed as a conditional use home occupation, it would be a permitted use so that will need to be repealed.

Kevin asked to make this presentation to explain why there are two proposed ordinances and what they are about so the Councilmembers can decide what they would like to do with them.

Vacation Rentals and Bed & Breakfasts are becoming a very popular thing. There are a couple that are already in our town so we need to decide if that is something we want in our community and then provide for it and legitimize the use. The Planning Commission was against the idea at first, but after some research gave it unanimous support.

The first ordinance deals with the zoning, what is permitted and where. Right now, they aren't permitted anywhere.

After researching this topic he found most places that do allow them have them in commercial zones.

The ones that we are aware of in La Verkin are located in residential zones. This is something that needs to be handled very carefully because you are allowing a commercial enterprise to be someone's neighbor. The Planning Commission was okay with allowing them in all zones except for the Multiple Family zone and the Industrial zone.

The next ordinance is the operational regulations for vacation rentals and bed and breakfasts, if they are allowed. This would be done by business license and would allow the City to enforce the safety, maintenance, licensing, operations, and necessary taxes for the establishments.

Some cities do not allow them anywhere, some everywhere (with or without conditions), and some only in commercial type zones. The Planning Commission decided to allow them throughout the City with conditions.

Kevin has changed the definition of a Bed and Breakfast to say one or more meals on sight as directed by Councilmembers.

In his research, he has found the universal concern with these types of businesses is preserving the residential neighborhoods and protecting them from inappropriate and harmful impacts. The rules need to be fair, reasonable, equitable, and consistent with zoning and building codes.

In the past, there have been issues between residents that neighbor the Commercial Zone and the businesses appropriately located there. The operational ordinance will try to avoid some of the issues that may come from allowing a commercial entity in a residential zone.

Enforcement is the number one complaint he found nationwide. The rules need to be written as guidance for the business but also so we can enforce them when the complaints start coming in. Kevin discussed some of the issues neighbors could have with increased traffic, noise and house amenities.

Councilman Hirschi mentioned La Verkin already has some vacation rentals so we need an ordinance to regulate them and asked if the Councilmembers had any questions about the proposed ordinances.

Councilman Hooten stated La Verkin already has a noise ordinance, he feels that is sufficient and does not need to be included in this ordinance. He also feels the time limit for visitors should be removed and they should be allowed to use the amenities. He likes the ordinance that Hurricane has.

Councilwoman Browning agreed that the proposed ordinance is over-regulating. Many of the rules mentioned will regulate themselves, such as pillows having pillowslips. If the home is not clean, people will comment on the social media and they will not get business. She believes in a "hands off" government and does not want to over-regulate people.

Kevin explained the difference between the proposed ordinances.

Councilman Hooten also has a problem with the proposed 24/7, 20-minute response time.

He approves the zoning ordinance but feels the operational ordinance needs work. He also feels the property owner should be able to do what he would like with his property as long as it's within reasonable laws and regulations.

Mayor Pro Tem Hirschi reported there is a development waiting for the approval on vacation homes and BnB's, so it needs to be decided.

Kevin commented if the property owner has rights it doesn't matter if they are a homeowner or a business owner and yet Council and Staff are still dealing with issues between neighboring residents and business owners of businesses located in a commercial zone. This would be the same thing, only the business will actually be in a residential zone.

The pillow covers and number of towels, etc. are State rules and need to be adopted if you don't want to wait for someone from Salt Lake to come down to enforce them.

Councilman Hooten asked who would enforce the proposed ordinance. He feels the police department is already too busy with things they are required to do without adding this.

Derek stated occupancy is something the Fire Chief is going to propose. There can only be a certain amount of people per square foot of house before a sprinkler system is required. This isn't adding additional restrictions, it is only backing what is already on the books.

Councilman Hooten would like a decision made.

Councilman Justice feels this issue needs to be considered so that neighborhoods are protected, at the same time businesses are treated fairly. Once a home is used for a commercial business, it should abide

by different regulations than if it was a personal home. He feels the regulations need to be considered and agrees that some of the wording doesn't need to be as strict as it currently is. The regulations that need to be addressed are the ones that pertain to the health, safety, and welfare of our citizens. He also feels the integrity of the residential areas needs to be maintained so we don't become a complete commercial zone.

Councilwoman Browning feels there is not a lot of difference between a vacation rental and a regular rental and doesn't feel right about putting regulations on vacation rentals when regular rentals have no regulations but many issues. She feels regulations on regular rentals need to be discussed before vacation rentals.

Kevin stated short-term rentals are completely different from long-term rentals.

Chief Lee feels both types of rentals should be monitored by business licenses and have regulations.

Kyle has used vacation rental homes and has talked to the owners; they prefer the short-term renting because they have more power in removing people, if needed. Short-term rentals also have a way of regulating themselves; if a home receives a bad review, it could seriously jeopardize their business. Having vacation rentals managed by business licenses gives the City one more way to deal with any problems.

Councilman Reeve feels the long-term rentals need to be managed by business licenses but the issue now is short-term.

Councilwoman Browning would like to table the discussion.

Motion was made by Councilman Ken Hooten to table this issue.

Councilman Reeve pointed out there is a developer waiting for the ordinances to be passed. He suggested each Councilmember make a list of what they would like to see in the operational ordinance to discuss at another meeting.

Depending on what changes the Councilmembers would like to see, the zoning ordinance may need to go back to the Planning Commission.

Motion was made by Councilman Ken Hooten to withdraw his previous motion and make a motion to table this discussion until the June 17th meeting with the proviso that the Councilmembers get their requested changes for the operational ordinance to the City Attorney, second by Councilman Randy Reeve.

G. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle emailed his report to the Councilmembers.

Whitewashing the "L" has been rescheduled for Friday, May 29th.

The La Verkin City Community Service is a list of hours Mr. Imlay has used.

There are three City Council positions that will be available at the end of the year. Any interested party will need to file a Declaration of Candidacy with the City Recorder June 1st- June 7th. He read the requirements for that.

DTEC meeting was today. Transportation issues were the main topic. Kyle will be giving a presentation to the Council on the B&C Road Fund and the Gas Tax that will go into effect on January 1, 2016.

The end of year budget amendment will be one of the meetings in June.

Public Safety- Chief Ben Lee

Chief attended the UDOT meeting with Derek and many of his concerns were resolved.

There were 14 accidents the last month, eight were on State Street and nine had injuries. Year to date there has been 742 calls for service.

Officer Fackler is the new Code Enforcement Officer. He has sectioned off the City and has been trying to identify the more problematic areas. Officer Fackler has handled 35 cases and has 20 active cases.

Chief thanked Kevin for putting together a draft contract with Toquerville; they would like us to help them with their animal control needs.

Kevin was also able to put together a contract for the new prosecuting attorney in time for the new fiscal year.

Councilman Reeve asked if Chief knew how other cities handled commercial zone noises affecting residents.

Kyle reported Mayor Gubler, Josh Langston, and the homeowners met and came to an agreement so this issue should be taken care of.

Chief Lee answered each city has their own noise ordinance; it depends on what the Councilmembers feel is necessary and appropriate for our commercial zone. He feels our noise ordinance is sufficient but stated there is always room for improvement.

Director of Operations-Derek Imlay

Traffic on the State Street project will be switching the side of the road. Interstate Rock will not be doing construction on Memorial Weekend. 500 North is still a concern, they haven't figured out how to handle that yet.

The monthly irrigation use is under our historic use. He will have a report at the next meeting.

There have been 6 main line breaks in the past couple weeks. It is all back on today.

Mayor Gubler, Kyle and Derek met with Nancy Jerome with UDOT concerning the drain line going west from Pheasant Glen. Nancy told them that nothing would be changing. Their engineer had a good idea of running power from 170 South and putting in a pump to move that water out. The other option is to use our trash pump to remove it.

Councilman Hooten reported the communication company left a 6-inch hole in the sidewalk, they haven't finished paving the area by the school and they broke the sidewalk and it hasn't been replaced.

Treasurer-Troylinn Benson

Nothing to report.

Browning-Mosquito Abatement reported the numbers are up due to the warm weather in February.

Ninety-three vials have been tested with no positive, yet. The Mosquito Abatement Director would like to come to the next City Council meeting for a presentation.

She has a couple of flyers/magazine for anyone interested.

Councilwoman Browning stated she gets very passionate about La Verkin; she hopes she has not offended anyone because of it. She does appreciate everyone's opinions.

Justice-Has not had any meetings.

Hooten- Confluence Park continues to improve. He too is passionate about this City and hopes he hasn't offended anyone.

Reeve-Solid Waste is still working on an agreement with Dixie Waste to pick up the recycling. An RFP was created for the processing of the Solid Waste. The cost of materials has dropped considerably so they are not sure if they are going to proceed.

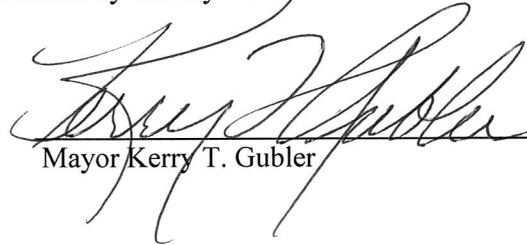
Kyle mentioned the Mayor has made some Council assignment changes. Councilman Justice will be over the Youth City Council and Councilwoman Browning will be over the Beautification/Trails Committee.

H. Adjourn:

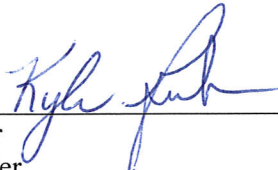
Motion was made by Councilman Randy Reeve to adjourn, second by Councilwoman Chantelle Browning. Browning-yes, Justice-yes, Hooten-yes, Reeve-yes. Motion carried unanimously at 8:10pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

June 17, 2015
Date Approved


Mayor Kerry T. Gubler

ATTEST:



Kyle Gubler
City Recorder